

REMARKS

The last Office Action has been carefully considered.

Claims 1 and 16 are objected to due to informalities in claim language and typing.

Claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph, due to lack of antecedent for "the closure" in line 5 of claim 1 and line 3 of claim 6.

Claims 1-4, 6-8, and 10-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Neff et al. (U.S. Pat. No. 5,621,618).

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Neff et al.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Neff et al. in view of Stieff et al. (U.S. Pat. No. 4,262,284).

Claims 1-9 and 11-21 are pending in the application, with Claims 1 and 16 being independent claims and Claim 10 being canceled.

Claims 1, 13-14 and 16 are amended. No new subject matter is presented.

Regarding the objection to Claims 1 and 16, the above amendments are believed to overcome the objection.

Regarding the rejection of Claims 1-21 under 35 U.S.C. § 112, second paragraph, the above claim amendments are believed to overcome the rejection.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(b), the Examiner states that Neff et al. anticipates each and every limitation of the claim. Amended Claim 1 teaches, in part, a device for registering the opening of a closure, comprising a sealing module which includes a *position sensor*, and a first memory, to be attached to the closure in such a way that the sensor detects a movement and writes data documenting the movement into the first memory; and a detection unit which includes a second memory, *the device writing these data into the second memory.*

Neff et al. discloses a device 20 for registering the opening of a closure (Abstract; Fig. 1), comprising a sealing module 21 which includes a sensor 22 (Fig. 1), and a first memory 24, to be attached to the closure in such a way that the sensor 22 detects a movement and writes data documenting the movement into the first memory 24 (Figs. 1-3; [0019]-[0022]); and a detection unit 30 which includes a second memory 31, 32, 33, 34 (Fig. 1).

First, Neff et al. teaches that the sensor 22 can be proximity sensor, magnetic sensor, Radio Frequency sensors ([0008]), environment-monitoring sensor ([0010], [0017]). However, Neff et al. hints nowhere a position sensor. By contrast, the present application teaches a device for registering the opening of a closure by employing a position sensor (specification page 4 lines 1-5). Neff

et al. fails to disclose the limitation of *a position sensor* taught by Amended Claim

1.

Second, the sealing module 21 of Neff et al. writes data documenting the movement into memory ([0019]-[0022]), but the detection unit 30 does not. By contrast, the detection unit 11 of the present application writes data documenting the movement into memory 15 of the detection unit 11 (specification page 4 line 30 – page 5 line 6; FIGs. 1-2). Neff et al. further fails to disclose the limitation of *the device writing these data into the second memory* taught by Amended Claim

1.

Clearly, Amended Claim 1 structurally differs from Neff et al.

Regarding the rejection of Claim 16 under 35 U.S.C. § 102(b), the above rationale for Amended Claim 1 also similarly applies to Amended Claim 16 with respect to Neff et al.

In view of the preceding amendments and remarks, it is respectfully submitted that all of the pending claims, namely, Claims 1-9 and 11-21, are in condition for allowance.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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